



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, बुधवार, मार्च 16, 1988/फाल्गुन 26, 1909
No. 10] NEW DELHI, WEDNESDAY, MARCH 16, 1988/PHALGUNA 26, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 16th March, 1988:—

BILL NO. XV OF 1988

A Bill further to amend the Rajghat Samadhi Act, 1951.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Rajghat Samadhi (Amendment) Act, 1988.

Short title.

41 of 1951.

2. In section 4 of the Rajghat Samadhi Act, 1951 (hereinafter referred to as the principal Act), after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment of section 4.

“(5) It is hereby declared that the office of member of the Committee shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.”.

3. In section 7 of the principal Act, in sub-section (1), after the words “The Committee may”, the words “, by notification in the Official Gazette,” shall be inserted.

Amendment of section 7.

Insertion
of new
sections
7A.

4. After section 7 of the principal Act, the following section shall be inserted, namely:—

Rule and
bye-laws
to be laid
before
Parlia-
ment.

“7A. Every rule and every bye-law made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.”.

STATEMENT OF OBJECTS AND REASONS

The Rajghat Samadhi Committee constituted under the provisions of the Rajghat Samadhi Act, 1951, includes, among others, two members of Parliament from the Lok Sabha and one from the Rajya Sabha to be elected by each House from amongst its members. The Parliamentary Joint Committee on Offices of Profit had observed that since the Rajghat Samadhi Committee administers and controls the affairs of the "Samadhi" and the Samadhi funds, the members of Parliament on the Committee were liable to be disqualified under article 102(1)(a) of the Constitution. Accordingly, it is necessary to obviate such a situation and give protection to the members of Parliament on the Committee from disqualification by making a suitable provision in the Act.

Opportunity has also been taken to provide that the rules and bye-laws framed under the Rajghat Samadhi Act shall be published in the Official Gazette and laid before the Houses of Parliament in terms of the recommendations of the Committee on Subordinate Legislation of both Houses of Parliament.

The Bill seeks to achieve the above objectives.

MOHSINA KIDWAL

SUDARSHAN AGARWAL,
Secretary-General.

